IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

Crl.MC.No. 2963 of 2007()

M.C.NO.90/2007 OF EXECUTIVE MAGISTRATE COURT
(REVENUE DIVISIONAL OFFICER, THRISSUR)

PETITIONER: COUNTER PETITIONERS

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1. SIRAJ, S/O.ABU, NALAKATH HOUSE,
KAKKASSERY, THRISSUR DISTRICT.

2. FYSAL, S/O.IBRAHIM,
NALAKATH HOUSE, VEMMENAD, PAVARATTY,
THRISSUR DISTRICT.

3. NISAM.K.M., S/O.MUHAMMED,
KUTTIKKATTIL HOUSE, PERUVALLUR PO.,
THRISSUR DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS:

STATE OF KERALA, THROUGH THE SUB
INSPECTOR OF POLICE, PAVARATTY POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

Crl.M.C. Nos.2963 & 2969 OF 2007

Dated this the 27th day of September, 2007

ORDER

The petitioners in these two Crl.M.Cs. face proceedings under Sec.107 of the Cr.P.C. before the Executive Magistrate, Thrissur. They have come to this Court with these petitions with a grievance that the Executive Magistrate is unnecessarily insisting that the same set of sureties cannot offer themselves as sureties for more than one accused in the case.

2. The insistence does appear to me to be unjustified. In the same case one set of sureties for more than one accused/ counter petitioner, provided they are sufficiently solvent, the petitioners can appear before the Executive Magistrate and offer themselves as sureties. The executive Magistrate must consider their prayer on merits and pass appropriate orders. The petitioners must appear before the Executive Magistrate

on or before 8/10/07. Their prayer shall be considered by the Executive Magistrate on merits and appropriate orders shall be passed. It is made clear that the petitioners shall not be remanded to custody on the ground of any inadequacy of sureties till then. The order passed by the Sub Divisional Magistrate shall be placed before this Court when the matter comes up for hearing again on 10/10/07. Call on 10/10/07.

(R. BASANT, JUDGE)

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